

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: November 24, 2020

Judge: Hon. James Donato

Time: 6 Minutes

Case No. **C-18-07004-JD**

Case Name **Gevorkyan v. Bitmain Inc. et al**

Attorney(s) for Plaintiff(s): Ari Basser/ Emanuel M. Starr

Attorney(s) for Defendant(s): Jason Orr/William K. Pao/Carlos M. Lazatin

Deputy Clerk: Lisa Clark

PROCEEDINGS

Telephonic Discovery Hearing (Not Reported) - Held

NOTES AND ORDERS

The Court resolves the parties' discovery dispute letters filed at Dkt. Nos. 56, 58, 59, and 60.

As a general matter, the Court is not satisfied with defendant Bitmain Technologies, Ltd.'s (Bitmain HK) responses to the jurisdictional discovery requests propounded by plaintiff. Defendant does not have the right to demand proffers from plaintiff as pre-conditions to responding to plaintiff's court-authorized discovery requests.

Plaintiff will have an additional 45 days for jurisdictional discovery, and defendant is ordered to produce the following, which are taken from Dkt. No. 56:

- The sales volume of ASIC devices in California;
- Sales activity in California, whether by Bitmain directly or indirectly through its affiliates, including the maintenance of a sales office in the forum;
- Hosting of portions of its website/servers in the forum;
- Communications with plaintiff in the forum;
- The relationships between the relevant Bitmain entities including Bitmain Technologies, Ltd., Bitmain, Inc., and Beijing Bitmain Technology Co., Ltd. (which defendant may show by producing one or more definitive org charts); and
- A representative selection of documents sufficient to show the scope of Bitmain's activities in the State of California, including conducting business, making sales, paying taxes, and buying and maintaining any properties in the state.

These categories are to be construed in a commonsense and open-minded way. Defendant must also confirm if certain persons identified by plaintiff are or were employed by Bitmain HK.

For the deposition of declarant Luyao Liu, plaintiff may first proceed by way of a deposition by written questions pursuant to Federal Rule of Civil Procedure 31. If that method of proceeding proves to be inadequate in any way, plaintiff may request an additional, live deposition to be taken remotely.

30 days after the close of the 45 additional days of jurisdictional discovery, the parties will file simultaneous briefs addressing the issue of specific jurisdiction over defendant in this district.